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8 The Hill Law Firm  
9 5132 York Blvd. #50681  
10 Los Angeles, CA 90042  
11 484-282-3836  
12 tashahilllaw@gmail.com

13 Attorneys for Petitioner

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **FOR THE COUNTY OF LOS ANGELES**

16 **ADRIAN RISKIN,**

17 Petitioner,

18 vs.

19 **THE CITY OF LOS ANGELES and MICHAEL**  
20 **FEUER,** Los Angeles City Attorney

21 Respondents.

Case No. 19STCP05568

**Verified Petition for Writ of Mandate  
Ordering Compliance with the California  
Public Records Act**

[Government Code §§ 6250 *et seq.*; Code of  
Civil Procedure § 1085]

1 Petitioner Adrian Riskin petitions this Court for a writ of mandate requiring the City of Los Angeles  
2 and Los Angeles City Attorney Michael Feuer (collectively, the “Respondents”) to immediately make  
3 available to Petitioner public records lawfully requested by Petitioner pursuant to the California Public  
4 Records Act (“CPRA”), Government Code § 6250, *et seq.* Petitioner also respectfully requests that this  
5 Court grant relief in the form of costs of suit, attorney’s fees, and other appropriate and just relief resulting  
6 from Respondent’s unlawful conduct. Petitioner alleges as follows:

### 7 **PARTIES**

8 1. Petitioner Dr. Adrian Riskin is a resident of Los Angeles, a professor at a local College, and an  
9 open records activist. Using CPRA requests to investigate and understand the activities of the Los Angeles  
10 City government, Riskin makes all his findings freely available to the public through blogging and  
11 community events. His collection of records have helped both researchers and the public at large learn  
12 about the city’s response to the homelessness crisis, including students at U.C. Berkeley School of Law’s  
13 Policy Advocacy Clinic, and documentary filmmakers producing a film about the Greater West  
14 Hollywood Food Coalition. Records obtained by Riskin have also been featured as part of an exhibit at  
15 the Los Angeles Poverty Department – Skid Row History Museum. Moreover, Riskin has also helped to  
16 empower the public by publishing a guide to the practical use of the CPRA in the City of Los Angeles.  
17 Riskin is a member of the public within the meaning of §§ 6252(b)-(c).

18 2. Respondent City of Los Angeles (the “City”) is a local public agency within the meaning of  
19 Government Code § 6252(d). The Los Angeles Department of the City Attorney is a department or  
20 division of the City.

21 3. Respondent Michael Feuer is the City Attorney for the City. Michael Feuer is the public official  
22 with the ultimate authority and responsibility for the acts and omissions complained of herein.

### 23 **JURISDICTION AND VENUE**

24 4. This court has jurisdiction over this petition pursuant to Government Code §§ 6258 & 6259 and  
25 Code of Civil Procedure § 1085.

26 5. Venue is proper in this Court. The records in question, or some portion of them, are situated in the  
27 County of Los Angeles. *See* Gov’t Code § 6259(a). Also, Respondent resides in, and the acts and  
28

omissions complained of herein occurred in, the County of Los Angeles. *See* Code Civ. Proc. §§ 393(b) & 394(a).

### GENERAL ALLEGATIONS

6. This dispute arises from the failure of Respondents to comply with a lawful request for public records.

7. On August 4, 2019, Petitioner made a records request on Respondent pursuant to the CPRA. The request asked for copies of all signed nuisance abatement letters sent by the Los Angeles City Attorney in 2018 and 2019. A true and correct copy of the request is attached as Exhibit A.

8. All agencies are required to respond within 10 days from the receipt of the request with a determination of whether the agency possesses responsive documents. *See* Gov't Code § 6253(c).

9. On August 15, 2019, 11 days after submitting his request, Petitioner received a response denying his request. Without citing any cases, reasoning, or legal justification, Respondents claimed that the requested documents were exempt under Gov't Code §§ 6254(f), 6254(k) and 6255. A true and correct copy of the email is attached as Exhibit B.

10. None of these three exemptions apply to the documents Petitioner is requesting. Gov't Code § 6254(f) does not apply because nuisance abatement letters, sent *proactively* by the City Attorney, are not investigatory or security files. Gov't Code § 6254(k) does not apply because absent a citation of another statute, this exemption is meaningless. This exemption, "is not an independent exemption. It merely incorporates other prohibitions established by law."<sup>1</sup> Gov't Code § 6255 does not apply because the state only cited the statute, and did not demonstrate that, "the public interest served by not disclosing the record *clearly* outweighs the public interest served by the disclosure of the record."<sup>2</sup> (emphasis added)

11. Respondents did provide three nuisance abatement letters that had previously been voluntarily disclosed to the Los Angeles Times and one letter to the Los Angeles Times concerning the disclosure. A true and correct copy of these letters is attached as Exhibit C.

12. On August 15, 2019, Petitioner promptly replied requesting clarification on the three exemptions Respondents had asserted. A true and correct copy of this email is attached as Exhibit D.

<sup>1</sup> *County of Santa Clara v. Superior Court* 170 Cal.App.4th 1301, 1320 (2009).

<sup>2</sup> Government Code § 6255(a)

1 13. Petitioner has not received any further response from Respondents since August 15, 2019.

2 **CAUSE OF ACTION**

3 **For Violations of the California Public Records Act, Gov't Code § 6250 *et seq.***

4 14. Petitioner realleges and incorporates by reference the preceding paragraphs in this Petition.

5 15. Pursuant to Gov't Code § 6258, any persons may "institute proceeding for injunctive or declaratory  
6 relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or  
7 receive a copy of any public record or class of public records under this chapter."

8 16. The records Petitioner seeks are public records, i.e., related to the conduct of the public's business.

9 17. Upon information and belief, Petitioner alleges that Respondents prepared, retained, used, or had  
10 control or constructive possession of public records that are responsive to Petitioner's request.

11 18. Petitioner alleges in accordance with Gov't Code § 6259(a) that the information it seeks from  
12 Respondents is maintained in Los Angeles County.

13 19. Respondents' failure to provide responsive public records violates the CPRA.

14 20. Petitioner requests that this Court issue a writ of mandate compelling Respondents to release the  
15 requested records.

16 **REQUEST FOR RELIEF**

17 WHEREFORE, Petitioner respectfully requests judgement as follows:

18 1. That the Court issue a peremptory writ of mandate directing Respondents to make all requested  
19 documents available for inspection and provide a quote for direct costs of duplication of the records within  
20 10 days of this Court's order directing that they do so;

21 2. That the Court enter an order awarding Petitioner his costs of suit and reasonable attorney's fees  
22 and costs incurred in bringing this litigation;

23 3. For such other relief as this Court deems just and proper.  
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25 Dated: December 19, 2019

26 By: /s/ Robert Ian Stringham  
27 Robert Ian Stringham  
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By: /s/ Tasha Alyssa Hill  
Tasha Alyssa Hill

Attorneys for Petitioner

1 **VERIFICATION**

2 I, Adrian Riskin, have read the foregoing Petition for Writ of Mandate and know the contents thereof.  
3 The same is true of my own knowledge, except as to those matters alleged on information and belief,  
4 and, as to those matters, I also believe them to be true.

5  
6 I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

7  
8 Executed on DECEMBER 16, 2019, in Los Angeles, California.

9  
10 By:   
11 Adrian Riskin  
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# EXHIBIT A

**Subject:** CPRA request (LAATTY.2019.08.04.a)  
**From:** adrian@123mail.org  
**Date:** 8/4/19, 1:41 PM  
**To:** "Mike Dundas" <mike.dundas@lacity.org>

Good afternoon, Mr. Dundas.

I am seeking access today to all signed nuisance abatement letters sent out by the CA in 2018 and 2019. If signed copies are held in electronic format I will need to see those. If signed copies are only held in paper form I will need to come in and inspect them unless, for whatever reason, the CA's office might be willing to scan them to PDF and transmit them electronically.

Also, if such a thing is doable given the CA's filing system I would like a list of all civil actions filed in 2018 and 2019 to enforce nuisance abatement which includes the parties, case numbers, and, if any, the resolutions.

Thanks, Mr. Dundas, as always, for your assistance.

Adrian



# EXHIBIT B

**Subject:** CPRA request (LAATTY.2019.08.04.a)  
**From:** Bethelwel Wilson <bethelwel.wilson@lacity.org>  
**Date:** 8/15/19, 2:57 PM  
**To:** adrian@123mail.org  
**CC:** Frank Mateljan <frank.mateljan@lacity.org>

Good Afternoon Mr. Riskin,

In response to your request for nuisance abatement letters sent out by the CA in 2018 and 2019, please find attached three copies of nuisance abatement letters related to 3420 W. Slauson Avenue. The City generally withholds nuisance abatement letters as exempt from disclosure under Government Code sections 6254(f), 6254(k), and 6255. The City recently released said correspondence to the Los Angeles Times under exceptional circumstance - the documents had been leaked to the press by a non-city actor without the City's permission. Therefore, in light of the unauthorized disclosure, the City decided to give the correspondence to the LAT while preserving its claim of exemption over investigative communications between nuisance abatement attorneys and property owners. So in fairness to you, we will provide you with the same correspondence we provided to LAT, but will deny your request to obtain the other nuisance abatement letters issued over the past two years, as such letters are exempt from disclosure for the reasons previously stated.

Regarding your request for a list of all civil actions filed in 2018 and 2019 to enforce nuisance abatement, City staff would have to create a report to generate this information. As you know, the City has no duty to create a record that does not exist at the time of a request. However, if you would still like to obtain this information, the City can provide it to you at a cost of **\$16.80**, which covers the staff time to create the report. If you find the quote acceptable, please write a check to the City of Los Angeles and send it to me at the address located at the bottom of my email signature. I will direct staff to create the report as soon as the check is received.

Sincerely,

----- Forwarded message -----

From: <[adrian@123mail.org](mailto:adrian@123mail.org)>  
Date: Sun, Aug 4, 2019 at 1:42 PM  
Subject: CPRA request (LAATTY.2019.08.04.a)  
To: Mike Dundas <[mike.dundas@lacity.org](mailto:mike.dundas@lacity.org)>

Good afternoon, Mr. Dundas.

I am seeking access today to all signed nuisance abatement letters sent out by the CA in 2018 and 2019. If signed copies are held in electronic format I will need

to see those. If signed copies are only held in paper form I will need to come in and inspect them unless, for whatever reason, the CA's office might be willing to scan them to PDF and transmit them electronically.

Also, if such a thing is doable given the CA's filing system I would like a list of all civil actions filed in 2018 and 2019 to enforce nuisance abatement which includes the parties, case numbers, and, if any, the resolutions.

Thanks, Mr. Dundas, as always, for your assistance.

Adrian

--

**Bethelwel Wilson**

Deputy City Attorney

General Counsel Division

Los Angeles City Attorney's Office

200 N. Main Street, 8th Floor

City Hall East, Mail Stop 140

Los Angeles, CA 90012

[bethelwel.wilson@lacity.org](mailto:bethelwel.wilson@lacity.org)

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any manner.

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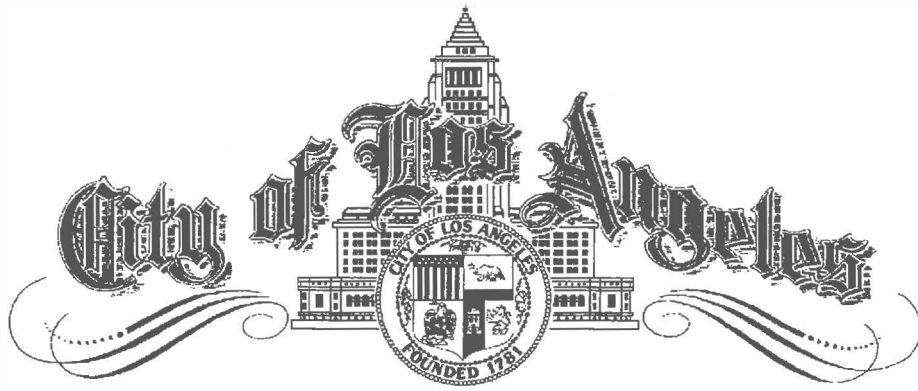
— Attachments: —

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3420 W. Slauson Ave. - NA.pdf

271 kB

# EXHIBIT C



**MICHAEL N. FEUER**  
CITY ATTORNEY

August 8, 2019

***Via Email & U.S. Mail***

Mr. Jeff Glasser  
General Counsel  
Los Angeles Times  
2300 E. Imperial Highway  
El Segundo, CA 90245  
Jeff.glasser@latimes.com

**RE: CPRA Request – 3420 W. Slauson Ave.**

Dear Mr. Glasser,

The City acknowledges receipt of your August 5, 2019 letter, which objects to the City's determination that correspondence between the City's nuisance abatement lawyers and property owners of 3420 W. Slauson Avenue ("Owners") may be withheld by the City as exempt from disclosure under the California Public Records Act. The City disputes the arguments in your August 5th letter and continues to assert that the correspondence is subject to the exemption contained in Section 6254(f), among others.

The City is aware that correspondence between the City's nuisance abatement team and the Owners already has been provided to the media. The correspondence was not provided by the City Attorney's Office, and if it was provided by a City employee it was done without authority to do so.

However, in light of the unauthorized disclosure, the City has decided to release the correspondence with the Owners in this instance and this instance alone, while preserving its claim of exemption over investigative communications from nuisance abatement attorneys with property owners.

Mr. Jeff Glasser  
Los Angeles Times  
Page 2

Without waiving applicable exemptions under the California Public Records Acts,  
please find enclosed herein unredacted letters responsive to your request.

Sincerely,

A handwritten signature in black ink, appearing to read "Bethelwel Wilson", followed by a long horizontal line extending to the right.

Bethelwel Wilson  
Deputy City Attorney

BW:cl

Enclosures

Mr. Jeff Glasser  
Los Angeles Times  
Page 3

bcc: Leela Kapur  
David Michaelson  
Valerie Flores  
Mike Dundas  
Rob Wilcox  
Frank Mateljan





**MICHAEL N. FEUER**  
CITY ATTORNEY

February 13, 2019

Slauson and Crenshaw Ventures LLC  
Attn.: David Gross  
1411 5th Street, Suite 402  
Santa Monica, CA 90401  
***Via UPS Next Day Air***  
***UPS Tracking Number 1Z 9VR 979 23 1003 211 3***

**RE: 3420 W. Slauson Ave, Los Angeles CA 90043**

Dear Mr. Gross:

The Safe Neighborhoods and Gang Division of the Los Angeles City Attorney's Office includes the Citywide Nuisance Abatement Program (hereinafter, "CNAP"). Prosecutors assigned to CNAP work with law enforcement to address nuisance gang and narcotics properties in the City of Los Angeles.

We understand that Slauson and Crenshaw Ventures LLC (hereinafter, "SCV") acquired the property located at 3420 W. Slauson Ave., Los Angeles, CA 90043 (the "Property") on January 17, 2019. As you may already be aware, the Los Angeles Police Department ("LAPD") has identified the Property as having illegal gang activity associated with it. More specifically, the Property is known as a "hangout" for the Rollin' 60's criminal street gang, and has been the site of many violent and/or unlawful incidents including, without limitation, attempted murder, shootings, robberies, batteries, and unlawful firearm possession.

CNAP personnel would like to meet with SCV to discuss the public nuisance at the Property. California Civil Code section 3479 defines a nuisance as "anything which is injurious to health . . . or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property . . . ." A "public nuisance" is one which affects at the same time an entire community or neighborhood, or any considerable number of persons . . . ." (Cal. Civ. Code § 3480.) Civil Code section 3494 provides that a nuisance may be abated by the City Attorney. The criminal activity occurring at the Property may constitute a nuisance under, without limitation, the aforementioned statute.

Page 2

Failure to take steps to prevent the aforementioned unlawful activity from occurring at the Property could result in the filing of a civil enforcement action against SCV by the Los Angeles City Attorney's Office. If SCV is interested in meeting with our office, please contact me within the next ten business days at (213) 978-3642.

Thank you for your anticipated cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy C. Hagan", with a stylized flourish at the end.

NANCY C. HAGAN  
Deputy City Attorney



**MICHAEL N. FEUER**  
CITY ATTORNEY

October 1, 2018

John Soo Lee and Ho Haeng Lee  
4520 Pennsylvania Ave., Apt. 103  
La Crescenta, CA 91214  
**Via UPS Next Day Air**  
**UPS Tracking Number 1Z 9VR 979 21 1000 610 0**

KY Investments Co.  
Attn.: KY Song  
3807 Wilshire Blvd., Ste. 801  
Los Angeles, CA 90010  
**Via UPS Next Day Air**  
**UPS Tracking Number 1Z 9VR 979 21 1000 611 9**

**RE: 3420 W. Slauson Ave, Los Angeles CA 90043**  
**City Attorney's Case Conference Date: October 4, 2018 at 11:00 a.m.**

Dear Mr. Lee, Mrs. Lee, and Mr. Song:

The Safe Neighborhoods and Gang Division of the Los Angeles City Attorney's Office includes the Citywide Nuisance Abatement Program (hereinafter, "CNAP"). Prosecutors assigned to CNAP work with law enforcement to address nuisance gang and narcotics properties in the City of Los Angeles.

The Los Angeles Police Department ("LAPD") has identified your property located at 3420 W. Slauson Ave., Los Angeles, CA 90043 (the "Property") as having gang activity associated with it. More specifically, your Property is known as a gang hangout for the Rollin' 60's criminal street gang, and has been the site of many violent and/or unlawful incidents including, without limitation, attempted murder, shootings, robberies, batteries, and unlawful firearm possession. As such, CNAP is seeking to ensure that the unlawful incidents are eliminated at the Property.

California Civil Code section 3479 defines a nuisance as "anything which is injurious to health . . . or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or

Page 2

property . . . .” A “public nuisance” is one which affects at the same time an entire community or neighborhood, or any considerable number of persons . . . .” (Cal. Civ. Code § 3480.) Civil Code section 3494 provides that a nuisance may be abated by the City Attorney. The criminal activity occurring at your Property constitutes a nuisance under, without limitation, the aforementioned statute.

As I discussed with Mr. Lee and Mr. Song on September 27, 2018, I would like to meet with you to discuss the steps that should be implemented to eradicate the criminal activity from the Property. Failure to take steps to prevent this unlawful activity from occurring at your Property could result in the filing of a civil enforcement action against you by the Los Angeles City Attorney's Office. Accordingly, we have agreed to a City Attorney Case Conference on **October 4, 2018 at 11:00 a.m. at City Hall East, located at 200 N. Main St., Los Angeles, CA 90012**. As we discussed, please bring with you all current and past leases signed during Mr. and Mrs. Lee's ownership period of the Property.

Thank you for your anticipated cooperation in this matter.

Sincerely,

*Nancy C. Hagan/hb*

NANCY C. HAGAN  
Deputy City Attorney



**MICHAEL N. FEUER**  
CITY ATTORNEY

November 15, 2018

John Soo Lee and Ho Haeng Lee  
c/o E.Y. Song, EY Investment Co.  
3807 Wilshire Blvd., Ste. 801  
Los Angeles, CA 90010  
***Via Email: eysongco@hotmail.com***

**RE: 3420 W. Slauson Ave., Los Angeles CA 90043**

Dear Mr. Lee and Mrs. Lee:

As we discussed with Mr. Lee and Mr. Song at our case conference on October 4, 2018 ("Case Conference"), there are a number of remedial measures that must be implemented in order to abate the unlawful public nuisance activity at your property located at 3420 Slauson Ave., Los Angeles CA 90043 (the "Property"). Given the serious public safety concerns, my office would like the outstanding remedial measures implemented in short order.

The remedial measures, many of which were discussed at our Case Conference, include:

- Remove and thereafter prohibit surveillance cameras installed by third parties, including tenants, in common areas of the Property.
- Install remotely monitorable surveillance cameras covering all of the common areas on the Property.
  - Access to the cameras should only be provided to our office, law enforcement agencies, and any private patrol operator should one be retained.
- Assigned parking.
- Ensure that all existing tenants are properly permitted and licensed with local and state agencies.
- Maintain a Trespass Arrest Authorization form with LAPD.

Please provide a timeline for the implementation of the above remedial measures by November 26, 2018. Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy C. Hagan", written in a cursive style.

NANCY C. HAGAN  
Deputy City Attorney

# EXHIBIT D

**Subject:** Re: CPRA request (LAATTY.2019.08.04.a)  
**From:** adrian@123mail.org  
**Date:** 8/15/19, 3:06 PM  
**To:** "Bethelwel Wilson" <bethelwel.wilson@lacity.org>

Dear Mr. Wilson,

I hope you will save us all some time and clarify your exemption claims further by answering the following questions:

0. When you say these letters are exempt via sections 6254(f), 6254(k), AND 6255, do you mean that each section applies to each letter, or that each letter is exempted by one or more of those sections, or something else?

1. I can't imagine any way in which 6254(f) could apply. Presumably these letters are issued as the result of an investigation, but they are not part of an investigation. I hope you will enlighten me.

2. Can you tell me which privilege or privilege covered by 6254(k) you are invoking here?

3. Can you tell me what conception of the public interest in releasing these records is \*clearly\* outweighed by the public interest in withholding them, and what the public interest in withholding them might be? I know you must have carried out this weighing test as it's required by law before using 6255(a) to withhold records, so there can't be any harm in sharing it now.

Finally, I will consider your offer as to the list. I thought I was saving us all some time by asking for a list, but evidently that's not so easily done.

Thanks,

Adrian

On Thu, Aug 15, 2019, at 2:57 PM, Bethelwel Wilson wrote:

Good Afternoon Mr. Riskin,

In response to your request for nuisance abatement letters sent out by the CA in 2018 and 2019, please find attached three copies of nuisance abatement letters related to 3420 W. Slauson Avenue. The City generally withholds nuisance abatement letters as exempt from disclosure under Government Code sections 6254(f), 6254(k), and 6255. The City recently released said correspondence to the Los Angeles Times under exceptional circumstance -



the documents had been leaked to the press by a non-city actor without the City's permission. Therefore, in light of the unauthorized disclosure, the City decided to give the correspondence to the LAT while preserving its claim of exemption over investigative communications between nuisance abatement attorneys and property owners. So in fairness to you, we will provide you with the same correspondence we provided to LAT, but will deny your request to obtain the other nuisance abatement letters issued over the past two years, as such letters are exempt from disclosure for the reasons previously stated.

Regarding your request for a list of all civil actions filed in 2018 and 2019 to enforce nuisance abatement, City staff would have to create a report to generate this information. As you know, the City has no duty to create a record that does not exist at the time of a request. However, if you would still like to obtain this information, the City can provide it to you at a cost of **\$16.80**, which covers the staff time to create the report. If you find the quote acceptable, please write a check to the City of Los Angeles and send it to me at the address located at the bottom of my email signature. I will direct staff to create the report as soon as the check is received.

Sincerely,

----- Forwarded message -----

From: <[adrian@123mail.org](mailto:adrian@123mail.org)>

Date: Sun, Aug 4, 2019 at 1:42 PM

Subject: CPRA request (LAATTY.2019.08.04.a)

To: Mike Dundas <[mike.dundas@lacity.org](mailto:mike.dundas@lacity.org)>

Good afternoon, Mr. Dundas.

I am seeking access today to all signed nuisance abatement letters sent out by the CA in 2018 and 2019. If signed copies are held in electronic format I will need to see those. If signed copies are only held in paper form I will need to come in and inspect them unless, for whatever reason, the CA's office might be willing to scan them to PDF and transmit them electronically.

Also, if such a thing is doable given the CA's filing system I would like a list of all civil actions filed in 2018 and 2019 to enforce nuisance abatement which includes the parties, case numbers, and, if any, the resolutions.

Thanks, Mr. Dundas, as always, for your assistance.

Adrian

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**Bethelwel Wilson**

Deputy City Attorney  
General Counsel Division  
Los Angeles City Attorney's Office  
200 N. Main Street, 8th Floor  
City Hall East, Mail Stop 140  
Los Angeles, CA 90012  
[bethelwel.wilson@lacity.org](mailto:bethelwel.wilson@lacity.org)

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**Attachments:**

- 3420 W. Slauson Ave. - NA.pdf